

**DRUGS AND DEVICES ACTIONABLE BECAUSE OF FAILURE TO BEAR
ADEQUATE DIRECTIONS OR WARNING STATEMENTS***

3223. Misbranding of Benzedrine Sulfate tablets, Seconal Sodium capsules, Sulfonamides Triplex tablets and Benadryl Hydrochloride capsules. U. S. v. Edwin L. Martin (Martin's Drug Store). Plea of nolo contendere. Defendant placed on probation for 1 year. (F. D. C. No. 28732. Sample Nos. 45577-K to 45580-K, incl., 45969-K, 45970-K, 45973-K, 46181-K.)

INFORMATION FILED: September 26, 1949, Western District of Arkansas against Edwin L. Martin, trading as Martin's Drug Store, Hot Springs, Ark.

INTERSTATE SHIPMENT: Between the approximate dates of May 12 and December 20, 1948, from the States of Missouri, Indiana, and Pennsylvania, into the State of Arkansas.

ALLEGED VIOLATION: On or about December 28, 1948, and February 4, 5, and 12, 1949, while the drugs were being held for sale after shipment in interstate commerce, the defendant caused a number of the tablets and capsules to be removed from the bottles in which they had been shipped, and to be repacked and sold to various persons without a prescription, which acts of the defendant resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the labels of the repackaged drugs bore no statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the drugs bore no directions for use.

Further misbranding, Section 502 (d), the *Seconal Sodium* was a drug for use by man and contained a chemical derivative of barbituric acid, which derivative has been by the Administrator of the Federal Security Agency, after investigation, found to be, and by regulations designated as, habit forming; and the labels of the repackaged drug failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (e) (2), the repackaged *Sulfonamides Triplex tablets* were fabricated from two or more ingredients, and the label of the repackaged tablets failed to bear the common or usual name of each active ingredient, namely sulfathiazole, sulfadiazine, and sulfamerazine; and, Section 502 (f) (2), the repackaged *Sulfonamides Triplex tablets* bore no labeling containing adequate warnings against use in those pathological conditions and by children where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration.

DISPOSITION: October 3, 1949. A plea of nolo contendere having been entered, the court placed the defendant on probation for 1 year.

3224. Misbranding of thyroid tablets, Benzedrine Sulfate tablets, Sulfonamides Triplex tablets, diethylstilbestrol tablets, and pentobarbital sodium capsules. U. S. v. William G. Neu. Plea of guilty. Fine, \$1,000. (F. D. C. No. 29434. Sample Nos. 60942-K to 60945-K, incl., 60948-K, 60949-K.)

INFORMATION FILED: July 25, 1950, Eastern District of Missouri, against William G. Neu, a pharmacist for Neels Drugs, St. Louis, Mo.

INTERSTATE SHIPMENT: From the States of Michigan, Pennsylvania, Indiana, and New York, into the State of Missouri, of quantities of *thyroid tablets*, *Benzedrine Sulfate tablets*, *Sulfonamides Triplex tablets*, *diethylstilbestrol tablets*, and *pentobarbital sodium capsules*.

*See also Nos. 3221, 3222.